

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

PAUL VAN MANEN,

Defendant.

18-cr-30 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

This case was originally tried by Judge Crotty. After trial, sentencing, and an unsuccessful appeal, defendant Van Manen filed a 2255 petition seeking to have his conviction vacated on the basis of ineffective assistance of counsel. ECF No. 421. After considering Van Manen's arguments in detail, including holding oral argument, the Court denied the petition. ECF No. 448.

Van Manen then noticed an appeal from the Court's decision, and now seeks a certificate of appealability. ECF No. 451. The Government opposes that application. ECF No. 453. Under 28 U.S.C. § 2253(c)(2), a certificate of appealability may only issue if "the applicant has made a substantial showing of the denial of a constitutional right." For the reasons expressed in the Court's opinion, and further addressed in the Government's opposition letter, Van Manen cannot meet this standard on the facts and circumstances of this case.

For these reasons, Van Manen's application for a certificate of appealability is denied. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 451.

SO ORDERED.

Dated: September 24, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge